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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|---------------------|------------------|
| 10/647,369 | 08/25/2003 | Masanobu Yamamoto | FY.50687US0A | 2162 |
| 20995 | 7590 | 10/06/2004 | EXAMINER | |
| KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614 | | | YEAGLEY, DANIEL S | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3611 | |

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

| | |
|---|---|
| Application No. 10/647,369 Examiner Daniel Yeagley | Applicant(s) YAMAMOTO, MASANOBU |
| | Art Unit 3611 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 25 August 2003.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-17 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 25 August 2003 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>8/25/03 1/26/04</u> . | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____. |
|---|--|

DETAILED ACTION

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: numeral “52” cited on page 4.
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: numeral “5” cited in figure 1.
3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character “62 and 64” have been used to designate both “intake system and air filter” and “a flow direction arrow” as shown in figure 3.
4. Corrected drawing sheets in compliance with 37 CFR 1.121(d), and/or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

5. The incorporation of essential material in the specification by reference to a foreign application or patent, or to a publication is improper. Applicant is required to amend the disclosure to include the material incorporated by reference. The amendment must be accompanied by an affidavit or declaration executed by the applicant, or a practitioner representing the applicant, stating that the amendatory material consists of the same material incorporated by reference in the referencing application. See *In re Hawkins*, 486 F.2d 569, 179 USPQ 157 (CCPA 1973); *In re Hawkins*, 486 F.2d 579, 179 USPQ 163 (CCPA 1973); and *In re Hawkins*, 486 F.2d 577, 179 USPQ 167 (CCPA 1973).

6. The disclosure is objected to because of the following informalities:

Page 8, paragraph 51, line 2, the term crankshaft “32” should be changed to crankshaft --76--.

Page 8, paragraph 51, line 2-3, the term input shaft “76” should be changed to input shaft --88--.

Appropriate correction is required.

Claim Objections

7. It is noted that applicant has presented the broadest claims (i.e. claims 10-17) further along in the claim section. Applicant is reminded that 37 CFR §1.75 (g) states that the least restrictive claim should be presented first. See also MPEP 608.01(m). “Claims should preferably be arranged in order of scope so that the first claim presented is the least restrictive.”

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 7 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 7 and 15 the term "type" is considered indefinite.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1, 2 and 4 – 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Leonard et al '882.

Leonard shows a vehicle comprising a drive system mounted to a vehicle body of a snowmobile having a drive track (figure 1) and an inherent steering assembly coupled to skis and a saddle riding seat as is commonly known in the snowmobile art, the vehicle comprising an internal combustion engine 16 mounted to the vehicle body having a crankshaft 48 mounted in a crankcase that extends along a first axis with a coupling system 50 comprising a drive member 54 coupled to a driven member 52 which are located along the first axis and coupled with the crankshaft and a transmission 42, such that the coupling means includes a member rotatably mounted within a crankcase (figure 2) and includes a means for damping having a damper

portion having at least one cushioning member 62 located between the drive member and the driven member (figure 3), wherein the vehicle of Leonard is readable as having the driven member supported at a first and a second end in the crankcase by bearings 30,32, such that the coupling system is located generally within the crankcase as broadly claimed.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leonard et al '882 in view of Barthruff '279.

Leonard discloses a snowmobile vehicle having a drive system and an internal combustion engine having a crankshaft and coupling system mounted in a crankcase which extend along a first axis and coupled with a transmission, wherein the coupling means includes a member rotatably mounted within a crankcase comprising a drive member, a driven member and a means for damping having at least one cushioning member as stated above, such that the driven member covers a portion of the damper and coupled to the drive member but failed to show the driven member covering the drive member and the damper portion as claimed.

Barthruff shows a vehicle having a combustion engine with a coupling means (figure 1) which is located within a crankcase that shows a drive member 31 coupled to a driven member 21 by a dampening means 34, wherein the driven member is shown covering the damper portion and the drive wheel as claimed.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the coupling system of Leonard vehicle with an alternative driven member that would cover the drive member and damper portion such as suggested by Barthruff as a simple way of enhancing the connection between the driven wheel and the drive wheel.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ito et al '868, Ashida et al '958, Fuse '819, Hale '638 and Matsuda et al '740 show a vehicle having a coupling means.

Fogelholm '534 and Sugimoto '431 disclose a coupling means.

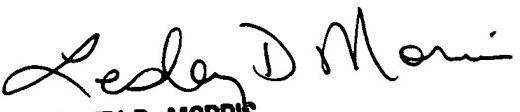
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel Yeagley whose telephone number is 703-305-0838. The examiner can normally be reached on Mon. - Fri; first Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley D Morris can be reached on 703-308-0629. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3611

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.Y.


LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
BIOLOGY CENTER 3600